

Introduced by Senator Cogdill

February 23, 2009

An act to amend Section 42954 of the Public Resources Code, relating to waste tire haulers.

LEGISLATIVE COUNSEL'S DIGEST

SB 230, as introduced, Cogdill. Waste tire haulers: registration.

Existing law requires every person who engages in the transportation of waste or used tires to hold a valid waste and used tire hauler registration issued by the California Integrated Waste Management Board, and requires a registered waste and used tire hauler to only transport waste or used tires to a facility that meets the conditions for being permitted, excluded, exempted, or authorized to accept waste and used tires, or to a facility that lawfully accepts waste or used tires for reuse or disposal. Existing law exempts certain persons from registration if the person meets at least one of 8 specified standards, including transporting fewer than 10 waste or used tires at any one time.

This bill would additionally exempt from the waste and used tire hauler registration requirements a person who is an owner or employee of an agriculture business concern, as defined, that is not a waste tire generating business, if the person is hauling used or waste tires that were used on a vehicle owned or operated by that agriculture business concern. The bill would also make technical and clarifying changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 42954 of the Public Resources Code is amended to read:

42954. (a) A person who hauls waste or used tires is exempt from registration under this chapter if at least one of the following conditions is met:

(1) The person transports fewer than 10 waste or used tires at any one time.

(2) The person is, or hauls used and waste tires in a vehicle owned and operated by, the United States, the State of California, or any county, city, town, or municipality in the state, except when ~~vehicles~~ *the vehicle* the public agency owns or operates ~~are~~ *is* used as a waste and used tire carrier for hire.

(3) The waste or used tires were inadvertently mixed or commingled with solid waste, and it is not economical or safe to remove or recover them.

(4) The vehicle originated outside the boundaries of the state and is destined for a point outside the boundaries of the state, if no waste or used tires are loaded or unloaded within the boundaries of the state.

(5) The person is hauling waste or used tires for agricultural purposes. However, notwithstanding Section 42961.5, a person hauling waste or used tires for agricultural purposes shall carry a manifest from the generator in the vehicle during transportation, which may be destroyed after delivery.

(6) The waste or used tires were hauled by a common carrier who transported something other than waste or used tires to an original destination point and then transported waste or used tires on the return part of the trip, and the revenue derived from the waste or used tires is incidental when compared to the revenue earned by the carrier.

(7) The person, who is not a waste tire generating business, is transporting waste or used tires to an amnesty day event or to a location ~~as defined~~ *that meets the conditions specified* in subdivision (b) of Section 42951, and has received written authorization, which includes specific conditions and dates, from the local enforcement agency. The local enforcement agency shall provide copies of any written authorizations to the board within 30 days of their issuance.

1 (8) (A) *The person is an owner or employee of an agriculture*
2 *business concern that is not a waste tire generating business and*
3 *the person is hauling used or waste tires that were used on vehicles*
4 *owned or operated by that agriculture business concern.*

5 (B) *For purposes of this paragraph, “agriculture business*
6 *concern” means a sole proprietorship, corporation, association,*
7 *firm, partnership, trust, or other form of commercial organization*
8 *that primarily conducts operations relating to agriculture.*

9 ~~(8)~~

10 (9) *The person complies with any additional conditions for*
11 *exemption, as approved by the board.*

12 (b) ~~Any~~ *A person who transports tires to a location that does*
13 *not meet the conditions specified in violation of subdivision (b) of*
14 *Section 42951 shall not be exempt pursuant to subdivision (a),*
15 *except as specified in paragraph (7) of subdivision (a).*